

### **REMARKS/ARGUMENTS**

In response to the Examiner's Office Action of June 30, 2008 issued in relation to the present Patent Application, the Applicant submits the below Remarks.

Claims 1-4, 9, 21-30 and 45 are pending in the Application.

#### ***Regarding Priority***

Claim 1 has only been granted the priority date of 06/04/2002 as its effective filing date as reference to prior-filed application 09/112,767 was made outside the prescribed time period.

Applicant refers the Examiner to the Petition to Accept an Unintentional Delayed Claim under 35 USC 120 filed at the USPTO on 03/19/2007.

Applicant further refers the Examiner to the Office Action dated 31/05/2007 in which the Petition was acknowledged, but it was incorrectly contended that the parent Application No. 10/160,273 and the grandparent Application No. 09/112,767, were never copending, and that the present application cannot claim benefit of the grandparent application's filing date. That rejection was successfully rebutted in Applicant's response dated 07/23/2007, which pointed out that copendency is not determined by the date of issue fee payment in the prior application, but by the date of patenting of the prior application.

Applicant respectfully requests that the Petition filed on 03/19/2007 be granted, and that at least claim 1 of the present Application be given the effective filing date of US 09/112,767, which is 07/10/1998.

#### ***Regarding 35 USC 103 Rejections***

Claim 1 is rejected under 35 USC 103(a) as being unpatentable over Fisher et al. (US 5,051,761) in view of Silverbrook (US 6,322,195), and further in view of Lin et al. (US 6,022,104).

Claims 2-4, 9 and 21-30 are rejected under 35 USC 103(a) as being unpatentable over Fisher et al. in view of Silverbrook (US 6,322,195), further in view of Lin et al., and further in view of Silverbrook (US 20020180834).

Claim 45 is rejected under 35 USC 103(a) as being unpatentable over Fisher et al. in view of Silverbrook, further in view of Lin et al., further in view of Silverbrook (US 20020180834), and yet further in view of Martin (US 20020171692).

In view of the submissions made above with regards to priority, grant of the Petition would remove one or more of the citations of the 35 USC 103(a) rejections. It is respectfully submitted that the invention claimed in claim 1 at least is entitled to the effective filing date of 07/10/1998, and that that claimed invention was non-obvious at that date.

The remainder of the claims are allowable at least due to their dependence on claim 1.

### CONCLUSION

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



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